

AMENDED IN SENATE JUNE 26, 2012

AMENDED IN SENATE JUNE 13, 2012

AMENDED IN ASSEMBLY MARCH 21, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 2122

Introduced by Assembly Member Lara

February 23, 2012

An act to add Section 99161.5 to the Education Code, relating to standardized testing.

LEGISLATIVE COUNSEL'S DIGEST

AB 2122, as amended, Lara. Standardized testing: testing accommodations.

Existing law imposes various requirements on a test sponsor or test agency, as defined, with respect to the administration of standardized tests for purposes of postsecondary education.

Existing law provides that a test sponsor that intentionally violates these provisions is liable for a civil penalty not to exceed \$750 for each violation.

This bill would require the test sponsor of the Law School Admission Test to provide testing accommodations to a test subject who is disabled, as specified. The bill would require the process for determining whether to grant an accommodation to be made public, the outcome of the request to be conveyed to the requester within a reasonable amount of time, and the reasons for a denial of a request for accommodation to be stated to the requester in writing. The bill would require that test sponsor to establish a timely appeals process when a request is denied, and to clearly post on the Law School Admission Test Internet Web site

information regarding refund policies for individuals whose requests for accommodation are denied. The bill would prohibit that test sponsor from notifying a test score recipient that the score of any test subject was obtained by a subject who received accommodations. A violation of these requirements would subject a test sponsor to the above civil penalty.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 99161.5 is added to the Education Code,
2 to read:
3 99161.5. (a) (1) The test sponsor of the Law School Admission
4 Test shall provide testing accommodations to a test subject with
5 a disability who makes a timely request to ensure that the Law
6 School Admission Test accurately reflects the aptitude,
7 achievement levels, or other factors that the test purports to
8 measure and does not reflect the test subject's disability.
9 (2) The process for determining whether to grant an
10 accommodation under paragraph (1) shall be made public, and the
11 decision whether or not to approve a request for an accommodation
12 shall be conveyed to the requester within a reasonable amount of
13 time. If the test sponsor of the Law School Admission Test does
14 not approve a request for accommodation, the test sponsor shall
15 state the reasons for the denial of the request to the requester in
16 writing.
17 (3) The test sponsor of the Law School Admission Test shall
18 establish a timely appeals process for a test taker who has been
19 denied an accommodation request. The test sponsor of the Law
20 School Admission Test shall clearly post on the Law School
21 Admission Test Internet Web site information regarding refund
22 policies for individuals whose requests for accommodation are
23 denied.
24 (b) Whenever a test subject has received formal testing
25 accommodations from a postsecondary educational institution for
26 a disability as defined in subdivision (j), (l), or (m) of Section
27 12926 of the Government Code, the test sponsor of the Law School
28 Admission Test shall provide accommodations to that test subject.

1 (c) The test sponsor of the Law School Admission Test shall
2 not notify a test score recipient that the score of any test subject
3 was obtained by a subject who received accommodations ~~under~~
4 ~~paragraph (1) of subdivision (a)~~ *pursuant to this section*.

5 (d) This section shall not be construed to limit or replace any
6 other right or remedy that exists under state or federal law.

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